

**BUCKHORN VALLEY PLANNED UNIT DEVELOPMENT
DESIGN GUIDELINES
APRIL 2013**

**SUPPLEMENT TO
BUCKHORN VALLEY
PLANNED UNIT DEVELOPMENT (PUD)
GUIDE
JULY 2000**

DEFINITIONS

'Accessory Building' shall mean any building or structure not physically attached and accessible from the main house located on the Property, including, without limit, any doghouse or playhouse.

'Building' shall mean any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind.

'Community' shall mean the Buckhorn Valley community located within the Town of Gypsum, Eagle County, Colorado.

'Community CCRs' or 'CCRs' shall mean the Master Declaration of Covenants, Conditions, and Restrictions for Buckhorn Valley, Town of Gypsum, Colorado, dated December 13, 2000.

'Community Homeowners Association' or 'Community HOA' shall mean the homeowners association for Buckhorn Valley Master Owners Association, established according to the Community CCRs.

'Design/Plan Review Fee' means the fee imposed by the DRC for plan review imposed pursuant to Paragraph 3.3(a) of the Guidelines.

'Design Review Committee' or 'DRC' shall mean the committee established by the CCRs for the Community.

'Design Review Guidelines' or 'Guidelines' shall mean the standards adopted by the DRC, which together with the CCRs, shall govern design and construction of improvements and architectural styles within any Property governed by the Buckhorn Valley Master HOA and within the Community.

'Grading/Drainage Review Fees' shall mean the fee imposed by the DRC, if any, for grading and/or drainage review pursuant to Paragraph 3.3(b) of the Guidelines.

'Improvement' shall mean any Building, Structure or Accessory Building, Landscaping site work, utility work, and/or grading and any change to or removal of any of the foregoing.

'Landscaping' shall mean all sod, seeded areas, retaining walls, rock areas, railroad ties, sprinkler systems, nursery bushes and trees, flower beds and gardens within both front and back yards.

'Modular Home' shall mean any home which is assembled, in part or in whole, in a factory or other facility or site, except the Property on which the home will be permanently erected.

'Owner' shall mean a person or entity owning Property.

'Plan Review Fee' shall mean the fee imposed by the DRC pursuant to Paragraph 3.3(a).

'Property' shall mean any and all real property located within the Community and owned by an Owner.

'Special Fee' shall mean a fee imposed on an Owner by the Community HOA to pay any direct or indirect costs incurred by the Community HOA and/or DRC in correcting, or causing to be corrected, the actions taken or Improvements constructed by an Owner which are in violation of any provision of these Guidelines.

'Structure' shall mean anything constructed or erected upon or in the ground and includes buildings, play structures, hot tubs, pools, water features and paving and hard-scape of all varieties, including but not limited to driveways, paths, walkways, patios and decks.

1. INTRODUCTION AND OVERVIEW

1.1 Notice of Governing Authority. All Property within the Community is subject to the Community CCRs. Owners are hereby notified that the CCRs contain restrictions and limitations beyond, and in addition to, those listed in these Design Review Guidelines. All such restrictions are also binding upon all owners of Property within the Community.

1.2 Applicability of Town of Gypsum Codes/Guidelines. Owners are required to make submittals to, and obtain approvals from, both the DRC and the Town of Gypsum and any other required governing entity. The Town of Gypsum's approval of any Improvement does not constitute compliance with the Community CCRs or these Design Review Guidelines. Likewise, compliance with these Design Review Guidelines and the Community CCRs does not constitute compliance with Town of Gypsum requirements. Compliance with the Community CCRs does not constitute compliance with these Design Review Guidelines. Likewise, compliance with these Design Review Guidelines does not constitute compliance with the Community CCRs.

(a) Required approvals must be obtained from both the DRC and the Town of Gypsum before the start of any work or construction whatsoever. Approval of an Improvement from the DRC must be secured by an Owner prior to the Owner's submission of any application for approval by the Town of Gypsum for the same Improvement.

(b) All Improvements must conform to then-current International Building Code or Manufactured Home Construction and Safety Standards (HUD Code) and Town of Gypsum Standards.

1.3 Purpose of Design Review Guidelines. The intent of these Design Review Guidelines is to attempt to govern, protect and preserve the value, character, integrity and attractiveness of the Community. The DRC will review designs and architectural styles of proposed plans for any Improvement, work or construction contemplated within the Community, and reserves the right to grant or deny approvals for such Improvement, work or construction, based upon the criteria contained herein, the CCRs, or otherwise, as may be determined by the DRC.

(a) To further this intent, Owners are required to design homes that are adapted to the topography of the Property.

1.4 Landscape and Irrigation System Installation Requirements.

(a) Following installation, all Landscaping and irrigation systems in front yards within the Community shall be maintained by the Community HOA. Fees for landscape and irrigation maintenance shall be paid by Owners according to the Community CCRs.

(b) The Community HOA reserves the right to inspect Landscaping for all homes within the Community, together with all irrigation systems installed to service the Landscaping. In the event that a Community HOA inspection reveals that Landscaping or irrigation systems fail to comply with these Guidelines or the CCRs, the Community HOA may issue a notice mandating correction of the defective Landscaping and/or irrigation system, which correction shall be completed by the Owner within 30 days of delivery of the notice. In the event the mandated correction is not effectuated by the Owner as provided in the notice, the Community

HOA shall have the authority, but not the obligation, to enter the Property at issue and perform the mandated correction at the Owner's cost. In this event, a Special Fee will be imposed on the Owner.

2. THE DESIGN REVIEW PROCESS - OVERVIEW

2.1 Design Review Committee. The Design Review Committee shall meet from time to time, as scheduled, to perform its duties hereunder. Builders and/or Owners are advised to submit plans for Improvements and construction to the DRC in a manner which allows for reasonable duration of plan review. Until notified otherwise, all items to be submitted for review by the DRC shall be submitted to:

Mail submittal to:
Buckhorn Valley Master HOA Design Review Committee
Attn: Plan Review
PO Box 1326
Gypsum, CO 81637

Or arrange delivery to the Community Manager by
emailing HOABuckhornValley@gmail.com

2.2 Review Procedure. For any Improvement and/or any Building, addition, renovation, refinishing, or significant landscape changes, Owners must follow the procedures outlined in the CCRs and these Guidelines. The CCRs and Guidelines together provide direction and assistance to the Owner for the development of homesites and Improvements, and impose certain requirements for approval by the DRC. All Owners must also comply with all zoning and other requirements of the Town of Gypsum and any other relevant governing entity.

2.3 Enforcement. If any Owner or person shall violate or threaten to violate any of the provisions of these Guidelines, it shall be lawful for the DRC, the Community HOA, or any person or persons owning real property in the Community to institute proceedings at law or in equity to enforce the provisions of these Design Review Guidelines to restrain the person violating or threatening to violate these Guidelines, and to recover damages, actual and punitive, together with reasonable attorney's fees, for such violations. Owners can only enforce the Guidelines, in accordance with this Section 2.3, after notifying the DRC and only after the DRC fails to reasonably respond and/or pursue a resolution of the violation within 90 days.

2.4 Special Fees. The Community HOA shall be entitled to perform maintenance, corrective actions and other work in order to ensure compliance with these Guidelines and the CCRs. The Community HOA may impose Special Fees on Owners for (i) the costs of DRC inspections (including inspections performed by third parties) and/or (ii) other DRC actions which are necessitated by any Owner's failure to comply with these Guidelines. Owners are required to pay all Special Fees within 10 days of receipt of notice of the imposition of any such Special Fee.

3. DESIGN REVIEW PROCEDURES

3.1 Procedure. The DRC review process is generally comprised of the following process, listed in approximate chronological order. The process may be varied by the DRC in its sole reasonable discretion by providing not less than 30 days prior written notice to (i) the Buckhorn Valley Master HOA and (ii) any Owner who has previously initiated the design review procedure but has not received final inspection and approval from the DRC.

(a) pre-design conference: an informal meeting of the Owner and a member or members of the DRC to informally discuss the Guidelines, the proposed Improvements and procedures for approval of plans and specifications;

(b) preliminary plan submittal by Owner;

(c) preliminary plan review by DRC;

(d) preliminary plan review by Owner's professional engineer licensed in the State of Colorado;

(e) approval/disapproval of preliminary plan by DRC;

(f) final plan submittal by Owner;

(g) final plan review by Owner's professional engineer;

(h) approval/disapproval of final plan by DRC;

(i) final inspection and approval of constructed Building and associated Improvements by DRC.

3.2 Submittal of Plans

(a) Unless otherwise expressly stated herein: (1) drawings and plans for all proposed Improvements or the construction thereof must be submitted to the DRC (along with all required DRC forms and/or fees as applicable), and (2) written DRC approval must be received prior to commencing any construction of any Improvement. All Improvements, including any improvements not specifically addressed and allowed in these Design Review Guidelines, or in the CCRs, require written DRC approval prior to commencing work on such improvement. The DRC may require drawings, plans, or further information as it deems appropriate before granting any requested approval.

(b) DRC review dates will be the second and fourth Thursday of every month. Unless otherwise required by the DRC in accordance with these Guidelines, all documents shall be submitted a minimum of five (5) working days prior to the scheduled review date. If applicable, staking of the Building footprint by Owner shall be complete at least one (1) day prior to the scheduled review date.

(c) Only complete and timely submittals will be reviewed.

(d) All submitted plans must be of quality print, easy to read and complete including elevations of all sides and floor plan. The DRC has the right to reject any submitted plans which are illegible, or otherwise incomplete or not professionally prepared.

3.3 Design Review and Related Fees

(a) Owners shall submit a design/plan review fee simultaneously with submittal of plans for preliminary plan review. Information regarding the current design/plan review fee is available from the DRC. The DRC reserves the right to waive fees for less-complicated design/plan reviews.

(b) The DRC may, in its sole discretion, impose a grading/drainage review fee in addition to the design/plan review fee set forth herein. Information regarding current grading/drainage review fee is available from the DRC. The DRC reserves the right to waive fees for less-complicated grading/drainage reviews.

(c) Any fee charged by the Owner's architect, engineer or other consultant in connection with design or design modifications shall be paid solely by the Owner, including, without limit, any such fee which is related to an original design, or is related to any modifications made in an effort to meet the Guideline requirements.

3.4 Required Plan Format and Information for Preliminary Plan Submittal. Owners shall submit the following, which is required to be submitted at the time of preliminary plan submittal:

(a) Design review fee.

(b) Application form.

(c) The following information, including four (4) sets of all drawings, is required to be submitted for final plan review:

(1) Site plan at a minimum scale of 1" equals 10' showing proposed and existing topography, property boundaries, and all proposed improvements including proposed Building and driveway locations, easements, building envelopes, and any other significant site features including adjacent sidewalks and curbs, existing utilities, proposed utilities and equipment, existing trees (if any), the location of at least the portion of any structures on any adjacent lots and site coverage calculations.

(2) Landscape plan including the location, type and size of existing trees and major shrubs which are to be removed and retained and the location, type, minimum size and quantity of the proposed plant materials.

(3) Irrigation plan showing the proposed irrigation including pipe location and sizes, location and type of all valve, spray heads and appurtenances, and shall include complete material specifications of all improvements. A typical section showing pipeline trench details shall be included.

(4) Floor Plans at a minimum scale of 1/4" equals 1', including overall dimensions, door and window openings, and proposed location of mechanical equipment and utility connections.

(5) Building elevations of all four sides at 1/4" equals 1' showing the relationship of the Building to the site, foundation, proposed and existing grades. All exterior materials and lighting shall be indicated on the elevations.

(6) Construction schedule and management plan indicating trash removal, parking, staging of materials, construction trailers etc.

(7) Grading plan.

(8) A color board with exterior material samples and colors, wall materials and colors, roof materials, and colors, exterior trim materials and colors, fireplace chimney material and color. The roof color shall be complimentary to and darker than the exterior color of the residential structure. The color board shall be submitted on mat board, foam core board or similar stiff white board with materials firmly attached by glue.

(d) The preliminary plan approval shall not constitute an approval for construction of any kind. The preliminary plan approval will be valid for a period of one year, after which it will expire unless extended by the DRC upon request from the Owner.

3.5 Review by Approved Owner's Professional Engineer.

(a) After review and approval of Owner's preliminary plans by the DRC, the Owner is required to retain a professional engineer, licensed within the State of Colorado, to review and certify the plans with respect to:

- (1) Foundation design;
- (2) Site grading and drainage;
- (3) Utility connections.

(b) Owner shall pay its engineer directly for the costs of the required review, and the Owner shall pay any costs associated with the changes required by such review. Should the preliminary plans represent items not under review by the DRC, professional engineer shall specify on his certification which items are certified and approved.

(c) The DRC shall upon request, provide a list of approved engineers.

3.6 Final Plan Review. Once the final construction documents have been completed and are ready to be submitted for a building permit, the Owner may apply for final plan review with the DRC. All final plans submitted must be of professional quality, easy to read, and contain sufficient information and detail. Such plans must contain all information that is required by the Town of Gypsum and documentation that all conditions imposed by the DRC and the preliminary plan review must have occurred in accordance with these Guidelines.

(a) As with the preliminary plan review, Owner's submittal to the DRC must be complete and must be received five (5) working days prior to the scheduled final review date. If not complete, or not on time, the submittal may or may not (at the DRC's discretion) be reviewed. The DRC has the right to reject any submitted final plans if it deems there is not sufficient information about any Improvements, or if such submitted final plans are lacking any other necessary information, in the DRC's opinion.

(b) The following information, including four (4) sets of all drawings, is required to be submitted for final plan review:

(1) Site plan at a minimum scale of 1" equals 10' showing proposed and existing topography, property boundaries, and all proposed improvements including proposed Building and driveway locations, easements, building envelopes, and any other significant site features including adjacent sidewalks and curbs, existing utilities, proposed utilities and equipment, existing trees (if any), the location of at least the portion of any structures on any adjacent lots, and coverage calculations.

(2) Landscape plan showing the location, type and size of existing trees and major shrubs which are to be removed and retained, and the location, type, minimum size and quantity of the proposed plant materials.

(3) Irrigation plan showing the type and extent of the proposed irrigation including pipe location and sizes, location and type of all valve, spray heads and appurtenances, and shall include complete material specifications of all improvements. A typical section showing pipeline trench details shall be included.

(4) Floor Plans at a minimum scale of 1/4" equals 1', showing overall dimensions, door and window openings, and proposed location of mechanical equipment and utility connections.

(5) Building elevations of all four sides at 1/4" equals 1' showing the relationship of the Building to the site, foundation, proposed and existing grades. All exterior materials and lighting shall be indicated on the elevations.

(6) Grading plan.

(7) A color board with exterior material samples and colors, wall materials and colors, roof materials, and colors, exterior trim materials and colors, fireplace chimney material and color. The roof color shall be complimentary to and darker than the exterior color of the residential structure. The color board shall be submitted on mat board, foam core board or similar stiff white board with materials firmly attached by glue.

(8) Construction schedule and management plan indicating trash removal, parking, staging of materials, construction trailers etc.

(9) Additional material, if any, required from the preliminary plan review.

(10) All of the above shall include corrections required by the DRC at the preliminary plan review, and shall include the required engineer's approval as specified herein. One set of plans will be kept on file with the DRC until the final inspection has been completed.

(c) Final approval by the DRC does not eliminate the Owner's obligation to obtain all necessary approvals from the Town of Gypsum and any other relevant governing entity. Final DRC approval does not in any way relieve the Owner from an obligation to comply in all respects with the Town of Gypsum's or any/all other relevant governing entity's, codes, rules, ordinances, and regulations as they may exist from time to time, and the DRC has no responsibility for Owner's compliance therewith.

(d) The final DRC approval will be valid for one year, unless extended by the DRC at its sole discretion. If construction does not commence within one (1) year of such final approval, then such final approval shall expire, and the Owner will be required to resubmit for final plan approval. A re-submittal fee of \$100.00 will be required.

(e) The DRC will not consider, and assumes no responsibility for, the design of any Improvement, including, without limit, structural capacity, life safety systems, construction and/or building code compliance.

(f) Upon the receipt from the approved Owner's engineer's review and approval, the Owner will present all plans, with the engineer's statutorily required stamp of certification on each sheet, to the DRC.

3.7 Landscaping and Irrigation Systems.

(a) The Community HOA may, in its sole discretion, elect to install the Landscaping and/or irrigation systems for any front yard within the Community. In this event, the Community HOA will require payment of a landscape and irrigation installation fee from the Owner to the HOA. If the HOA declines to install the Landscaping and/or irrigation system, then the Owner is obligated to install the Landscaping and/or irrigation system.

(b) All Landscaping, must be completed within the sooner of either (a) one year start of construction of the initial Improvement on the Property, or (b) within 45 days of issuance of a Temporary Certificate of Occupancy by the Town of Gypsum, unless the Temporary Certificate of Occupancy is issued between October 1 and April 30, in which case the completion date shall be by the next June 15 following issuance. If it is not, the Community HOA or the DRC may pursue any remedies allowed, including, without limit, the assessment of a Special Fee against Owner.

(c) The maximum allowable irrigated area within any Property owned by an Owner is 2,500 square feet for the front yard and 2,500 square feet for the back yard, for a total of 5,000 square feet for the entire yard.

3.8. Inspection. The DRC or its agents may, at any reasonable time and without notice, enter upon any Property subject to these Guidelines or the Community CCRs, for the purpose of determining compliance with these Guidelines and any approved plans.

(a) Owner shall submit a notice of completion to the DRC upon completion of the Building, Structure, or any Improvement, which notice shall include the name and telephone number of the person to contact in order to schedule the final inspection. The DRC shall make a reasonable effort to schedule and inspect the Improvement within one (1) week of receipt of notice. Prior to scheduling the final inspection, the Owner shall provide the certification from the approved Owner's engineer that the site grading and drainage has been constructed in accordance with the engineer's approved plans. If there have been field modifications, then the engineer shall provide a certified plan of said changes and shall certify that the changes are approved by the engineer. Providing the Improvement passes inspection and is consistent with DRC-approved plans and specifications, a final certificate of compliance will be issued by the DRC. Owner shall then immediately apply for a Certificate of Occupancy from the Town of Gypsum. Approval from the DRC must be obtained prior to final inspection and issuance of a Certificate of Occupancy by the Town of Gypsum.

3.9 Miscellaneous.

(a) If any construction or Improvement is deemed by the DRC to be inconsistent with DRC-approved plans or specifications, the Owner shall immediately revise the construction and/or Improvement to meet the DRC-approved plans and/or specifications. If, during the course of construction, a contractor or subcontractor in any way fails to comply with these regulations, the DRC reserves the right to restrict future work by that contractor or subcontractor, on that current project as well as other, future projects.

(b) Alterations of completed projects, and alterations of a project under construction, must be reviewed and approved by the DRC before such alterations are undertaken, and Owners are responsible for obtaining DRC approval prior to commencing any such alternations. Any exterior change or change to utilities, no matter how minor, without DRC approval, will constitute a violation of the CCRs and of these Guidelines, and could be subject to enforcement action, at the DRC's discretion.

(c) The DRC may impose Special Fees on Owners for (i) the costs of DRC inspections (including inspections performed by third parties) and/or (ii) other DRC actions which are necessitated by any Owner's failure to comply with these Guidelines.

(d) Neither the DRC nor the Town of Gypsum nor any of their members or agents shall be liable to any person or Owner for actions taken pursuant to these Guidelines.

4. SPECIFIC SITE REGULATIONS

4.1 Property Coverage. A maximum building coverage of 40% of the individual Property area, on which the Improvement is proposed to be constructed, is allowed. Building coverage includes roof overhangs, covered porches, canopies, raised decks (higher than 2' above grade), and similar constructed elements. Additional maximum impervious area coverage of 20% of the individual Property area, on which the impervious area is proposed to be constructed, is allowed. Impervious area coverage includes parking areas, drives, walks, on-grade patios, and any other surfaces which do not absorb water. However, if the building coverage is less than the maximum 40% allowed, the impervious area coverage may be increased, up to a maximum of 25% as long as the total combined coverage (building coverage plus impervious area coverage)

does not exceed 60% of the individual Property area, on which the combined coverage is proposed to be constructed.

4.2 Building Envelopes. Building envelopes for each Property are shown on the plan. No portion of any Building may protrude or extend beyond any building envelope. No portion of any Building may protrude beyond any building envelope in any manner which violates any applicable code.

4.3 Building Projections.

- (a) Rear and side eaves and overhangs must be 18" minimum.
- (b) Front eaves and overhangs must be 24" minimum.
- (c) Window bays are permitted but may not project beyond the building envelope. Buildings designed to be located within 1' or less from the building envelope line must have the Building location established by a surveyor prior to construction.
- (d) Foundation surveys are required after foundations are installed and before framing takes place.

4.4 Building Size. Maximum floor area will be determined by the building envelopes, Property coverage limits, and Building height limits. Additionally, total floor area of all Buildings, including basements, garages, storage spaces, etc. may not exceed 80% of the individual Property area on which the total floor area is proposed to be constructed. The minimum floor area requirements for a one story and two story structure are as follows: 1,400 square feet for a single level home, and 1,200 square feet for the first floor of a two story home. Floor area is measured to the outside face of foundation walls or wall framing including basements and garages, and all interior spaces.

4.5 Building Height. Means the height of a Structure which shall be measured vertically at any cross section of the Building from the original grade to the highest point. Elements such as chimneys may extend above the allowed height limit. Maximum Building Height: Principal = 33', Accessory = 20'.

4.6 Driveways. Driveways shall be accessed via a "roll-over" curb, and shall be constructed using concrete, asphalt, brick and/or durable pavers.

- (a) Driveways shall be perpendicular to the street. Driveways may not exceed 5% in slope in the first 20' beyond the sidewalk and 8% in slope for the balance.
- (b) 2, 4" pipes (sleeves) for future irrigation pipe shall be installed prior to pouring the driveway.
- (c) Only 1 driveway per Property is allowed, unless some hardship or exceptional circumstances can be shown.
- (d) Driveway additions or parking areas, whether paved or not, are not allowed without permission from the DRC.

(e) Driveway width shall not exceed 12' at curb but may thereafter fan to access wider garages. If a Property has access from an alley, all vehicle access must take place from the alley.

(f) Each Property shall contain a minimum of three parking spaces, any of which may be enclosed within a garage. All parking spaces must be located within the Property boundaries. The minimum size for a parking space is '9 x 9'. Tandem spaces are allowed.

4.7 Grading and Drainage.

(a) The grading and drainage system requirements for each Property will depend on the Property's unique characteristics. Each Owner shall comply with and cause its Property to conform to all grading and drainage plans on file with the Town of Gypsum, and all plans prepared by the approved Owner's engineer. The overall drainage of the Property shall not be altered or diverted by any Owner. The DRC or the Town of Gypsum may, at their discretion, require any Owner to provide an as-built grading and topographic survey prior to receiving final approval from the DRC and/or Town of Gypsum. Any re-grading to complete the site grading as a result disapproval by the DRC and/or Town of Gypsum shall be the responsibility of the Owner.

(b) Owners are obligated to maintain irrigation and Landscaping in a manner which does not alter DRC-approved and Town of Gypsum-approved grading and drainage patterns for the Property.

(c) Extensive cut and fill work is discouraged. Cut and fill slopes steeper than 1' vertical in 3' horizontal are not allowed without retaining walls. Excess excavation material must be removed from the Property and shall not be placed on any open space or on any other lot within the Community.

(d) Every roofline shall terminate at its lowest drainage point by a roof gutter system that directs runoff into downspouts which terminate in rocked, gravel, or other erosion-resistant ground cover which directs the runoff away from the Building. The use of perimeter rock beds without drain-spouts is not allowed. Runoff must be directed to a distance at least 4' away from every Building foundation, (unless directed onto the paved driveway which drains to the street).

(e) The grade of the Property within a 4' perimeter of any Building foundation must be at least 1' vertical to 6' horizontal, away from every Building foundation. No part of any Property may drain toward the Building foundation on that Property, or any adjoining lot, and should any part of the Property slope towards the Building foundation on that Property, the site grading plan shall provide sufficient grade difference, swales, French drains, or the like to prevent runoff, in a "1 hour - 25 year" storm event, from reaching that Building foundation.

(f) Silt barriers shall be installed and maintained by Owners on the perimeter of all Properties during any grading and drawing work, and until completed Landscaping is installed. Silt barriers shall prevent erosion of silt and soil into streets, sidewalks, and all adjacent property. Silt barriers must remain in place until landscape materials including grass, have grown-in sufficiently to prevent erosion and siltation run-off, and until final landscaping has been completed and approved by the Town of Gypsum. No silt barriers shall be removed unless and

until removal is approved in writing by the DRC.

4.8 Fencing and Pet Control. Fences are allowed only in rear and side yards, and may not extend forward of the primary Building located on any Property.

(a) Only open type fencing, such as split rail, wood picket, high density vinyl and similar fences are allowed. Fences must have open space equal to at least 50% of the frontal area of the fences.

(b) Fencing may be lined with an approved heavy gauge wire mesh (equal to 3" by 1" opening, 0.0012" diameter heavy gauge galvanized or vinyl coated) to contain pets. The use of such mesh including the method of attachment must be approved specifically in writing by the DRC. When used, wire mesh lining must be run between a top and bottom rail, must be tight, without curls, wrinkles, or lapses, and must be continuous between posts.

(c) The maximum height for all fencing is 42".

(d) Chain link fencing, stockade fencing, privacy fencing and enclosures are not allowed.

(e) Color of fencing is required to be approved by the DRC prior to installation. If stained or painted fencing is proposed, the DRC may require samples of the proposed stain or paint applied to the actual fencing material for the DRC's use in determining suitability. The Owner is encouraged to have fencing installed by an insured and reputable fencing contractor.

(f) The DRC allows the use of "invisible" underground electric fences. However, the DRC does not warrant the effectiveness of any invisible fencing, and the DRC expressly disclaims any responsibility or liability for the performance of such fencing, or for the fencing's effect upon the fenced animals. Dog or cat runs will be allowed (see restrictions on fencing above). In the event that any dog, cat or pet causes disturbances on a repeated basis, that Owner of such dog, cat or pet (or the Owner of the Property at which the pet is staying) will be subject to the fines and penalties outlined in these Guidelines and the CCRs. Each Owner agrees that the DRC and/or Community HOA has the authority to require an Owner to remove any pet causing a disturbance from the Property.

(g) No pet enclosure, cage or kennel, either of a permanent or temporary nature, shall be placed on any Property unless specifically approved by the DRC.

5. ARCHITECTURAL COMPOSITION OF IMPROVEMENTS

5.1 Primary Building. All homes on the Property must be approved by the Design Review Committee prior to obtaining a building permit from the Town of Gypsum.

5.2 Accessory Buildings. Accessory Buildings, and similar structures, are not allowed, except by special exception to these Guidelines, granted in writing by the DRC prior to any Owner commencing construction on such Building or Structure. The DRC may prohibit any Accessory Building in its sole discretion and authority, without exception. If allowed, any Accessory Building shall be substantially similar in design, material, color and character as the home on the same Property, shall be permanent in nature, and shall be placed on a permanent

concrete foundation which has been approved by the approved Owner's engineer.

5.3 Floor Plans and Exterior Façades. In approving floor plans and exterior façades, the following restrictions shall apply:

- (a) A façade may be repeated no more often than once in every fourth house.
- (b) Floor plans which are reversed but which have different façades may be adjacent. A floor plan which is not reversed may not be adjacent to the same floor plan.
- (c) Maximum allowable Building heights are not intended to imply that all portions of a Building may be built to the maximum allowable Building height limit. Rather, in all cases, Buildings should be designed with a low profile understated appearance. Building massing should create a sense of residential scale as viewed from the street. No single roof plane shall extend more than 60% of the length of any façade. A dormer can serve to break up a roof plane.
- (d) Building massing on larger Properties should emphasize horizontal scale and form. Sloped Properties may require stepping house massing to connect the home to the Property. Residential scale should be reinforced by varying Building heights and considering features with cottage type scale, such as multiple gables and dormers. Large structures and continuous unbroken vertical and horizontal Building planes should be avoided.
- (e) The front of the house shall be parallel to the street or a porch or entry roof element shall face the street. At narrow Properties, with less than 60' of street frontage, the Building should be designed with the principle gable end facing the street and a secondary element, such as a porch or entry element also facing the street. At wider Properties, with 60' or greater of street frontage, the principle gable ridge line can run parallel to the street and a secondary roof element in addition to the porch or entry element shall face the street.
- (f) An underlying goal of the Community is for all Buildings to be designed in harmony with the natural surroundings of Eagle County. All Building colors should be selected to achieve this goal.
- (g) The colors of all exterior building materials shall be in quiet harmony with the natural landscape of the surrounding hillsides. Natural finishes or transparent or semi-transparent stains may be used on wood materials. The use of paint requires muted colors, somewhat darker in value, from the background colors. Generally, natural color hillside landscape is desired. Accent colors can be used to add interest to a home, but in no case should accent colors call undue attention to any single element of a Building. Accent colors should be taken from natural colors found in the immediate surrounding area.
- (h) Acceptable roof colors are weathered greens, grays and browns selected in concert with the colors and textures of the Building.
- (i) Exterior colors must be approved by the DRC.
- (j) Windows and doors shall be designed in proportion with the overall structure and form of the home. The treatment of all windows and doors should be consistent on all sides of a Building. Windows and doors must have trim around them. Window frames should appear as

substantial Building elements. The substantial cross section of framing and trim around windows and doors creates shadow lines that add interest to a Building's facade. Windows of unusual shapes and sizes, the use of colored, highly tinted or mirrored glass is prohibited. Raw aluminum windows and doors are not allowed.

(k) Window openings shall comprise at least 15% of the frontal wall space for the elevation fronting the street, and the rear elevation; and at least 10% for all other elevations.

5.4 Building Forms and Materials. Building form is comprised of three major elements, the foundation, the Building walls and the roof.

(a) In order to "ground" a Building with its Property, a minimum of exposed foundation concrete is desired. Masonry materials may help ground the Building where foundation walls are above grade. Siding should be extended to within 12" of finished grade to minimize exposed foundation concrete. A parged finish or stucco coating (finished concrete) or masonry veneer may cover the exposed foundation concrete to allow a finished surface to exceed the 12" minimum exposure. Landscape walls may also be used to minimize exposed concrete foundation walls.

(1) Concrete foundation walls which are exposed more than 1' above the ground should be faced or stained to blend with adjacent exterior wall materials. Foundations which are exposed more than 3' above the ground and any concrete block walls shall be faced. Exterior wall materials that extend from frame walls down over foundation walls should follow grade lines, but in no case shall facing materials be placed closer than 6" to finished grade line at the foundation line.

(2) The use of plastic foam or other degradable or friable material to form exterior foundation walls is prohibited, and all foundation framing materials, including, without limit, wood forms, plastic forms, foam forms must be completely removed before backfilling the foundation wall. Backfill of foundation walls must be in strict compliance with the approved Owner's engineer's and the Town of Gypsum's requirements and/or recommendations.

(b) Building walls should not exceed two stories in height and may be constructed of wood or masonry. Wood materials may include beveled, channel rustic, or tongue-in-groove board siding, board-on-board, board-and-batten siding, and cedar shingles or Portland cement composition siding. Hard board composition siding approved by the DRC is allowed, but may not exceed 75% of an exterior elevation. Stucco siding is allowed, but may not exceed 50% of an exterior elevation. Prohibited wall materials include the use of aluminum siding, vinyl siding, fiberglass, asphalt, exposed/unfinished concrete, unfinished cinderblock and T-11 siding.

(c) Combinations of up to three different materials are encouraged. Columns, posts and balconies are to be of wood, stone or finished concrete (parged or stucco). Concrete column foundations may be exposed a maximum of 12".

(d) Masonry elements are limited to regional Rocky Mountain stone or fired clay brick, not exceeding 50% of any elevation area. All homes, regardless of size or design, should, at the DRC's discretion, have a stone or masonry wainscot at least 42" high on the front of the house and garage; such wainscot must extend at least 4' from the front or rear elevation, along each side elevation. With specific approval by the DRC, the Owner may substitute an equal area

of stone or masonry with the use of an entire stone or masonry wall, stone or masonry pilasters, etc. Man-made stone may be used upon specific approval by the DRC.

(e) Roofs. All homes shall have sloping roofs in the range of 6:12 to 12:12 for the main mass of the home. Secondary roof elements may have roof pitches between 2:12 and 12:12. Flat roofs are not permitted for more than 15% of the roof area. Attic venting must be achieved through the use of continuous eave and ridge vents, gable vents, or other non-obtrusive venting methods. Vents for plumbing and mechanical equipment should be placed in the top third of the roof and on the side of the roof away from the street if the roof configuration allows.

(f) Roof fascia and rake trim shall be a minimum of 8" nominal, (7 1/4" actual) in width. Multi piece trim of heavier massing is encouraged, where appropriate in proportional scale with the overall Building mass. Exposed rafter designs are encouraged and the fascia dimension may be less than the 8" required of all other roofs. The following roof materials will be permitted: Fire retardant cedar shingle or cedar shake, slate, non-reflective metal, fiberglass/asphalt shingles in limited thickness styles with a minimum 40 year warranty and a minimum weight of 340 pounds per 100 square feet and minimum thickness of 3/8". Other roofing materials may be considered by the DRC on a case by case basis.

(g) Exterior finish materials shall be consistent on all of the Building massing.

(h) Masonry finishes shall be unpainted.

(i) Exposed structural elements, such as, beams, purlins, rafters and columns may be expressed in all Buildings. Structural expression should be consistent through all elements of a Building - the foundation, the walls and the roof. Glass should never appear to be supporting beams or other structural elements of a Building.

(j) Fireplaces are limited by applicable codes. Chimneys should be designed in proportion to the home and generally reflect a simple, understated appearance. Flat profile chimney caps to conceal flues are encouraged. All other rooftop equipment and vents should be consolidated, concealed and/or painted to match the roof color. Gutters, when used, shall blend in color with the Building.

(k) Log homes may be allowed by specific, prior, written permission of the DRC only.

5.5 Balconies and Porches. A one story high front porch with a minimum dimensions of 10' (facing the street) by 5' is required. In lieu of a front porch, a covered one-story entry element can be provided.

(a) Balconies and above grade decks provide outdoor living space and add interest and scale to a home. Balconies and decks should be designed as an integral element of the Building. Balconies and decks should be designed within the mass of a Building, and when designed as a cantilevered element of the Building, should be supported by substantial structural elements such as timber columns. In no case shall projecting decks be supported by narrow posts or columns.

(b) The underside of balconies and decks above grade shall be treated or stained.

Railings and barriers on balconies and above grade decks shall be treated or stained to match the Building. Railings and barriers on balconies, decks, stairs and porches should be made of materials that appear to be natural extensions of the Building. Railings and barriers must comply in all respects with Town of Gypsum codes. When constructed of wood, materials must be weather resistant, such as redwood, pressure treated pine, or similar. High density man-made decking is allowed.

5.6 Dormers. The use of dormers should be considered to establish residential scale to roof forms and to break up the appearance of large roof planes. When used, dormers should be in scale and proportion with the rest of the Building.

5.7 Skylights. Skylights and solar panels must be integrated into the architectural composition of the Building.

5.8 Garages. All single family detached homes shall have a two or more car garage attached to the main house structure. The garage shall have a minimum floor area of 400 square feet, completely enclosed.

(a) Garages may not exceed 2/3 of the total width of the street elevation of the house. Garages which are greater than 1/3 of the total width of the street elevation must have separate doors and an offset or stepped façade is encouraged.

(b) Garage doors are not intended to dominate the streetscapes. When garage doors face the street, garage doors shall be set back a minimum of 10' from the front of the Building or the entry porch projection. Garage doors may be single or double width, and should be compatible in material, color and style to the main house. Garage doors may be a maximum of 8' high and 16' wide for a two-car garage.

(c) Multifamily homes, including duplexes, may use single-car garages with special permission by the DRC, but in any case, off-street parking compliant with Town of Gypsum standards is required for all houses of whatever type.

5.9 Outdoor Living Spaces. Terraces, verandas, patios, porches, courtyards, paths, walkways and other similar on grade features should be an integral element of the design of the Building and the Landscape by blending with existing topography. Materials should be consistent with materials used on the Building.

5.10 Chimneys. Any chimney element shall be of the stone, wood, stucco or brick that is being used on the Building to give it an appearance which is consistent with the design of the Building. Any chimneys that appear "tacked on" will not be allowed, and all chimney or 'stove' exhausts (not including kitchen appliances) shall have a 'boxed' chimney to the upper outlet; bare exhaust pipe type chimneys are not allowed.

5.11 Antennae, Satellite Dishes and Accessory Equipment. Exterior radio or television antennae and antenna wires must not be visible from adjacent and/or neighboring properties. Mounting antennae and satellite dishes within attic spaces or other internal spaces is encouraged as an alternative. Satellite dish installation is subject to the following guidelines:

(a) The size of the dish may not exceed 18" in diameter.

(b) The dish shall be attached to the Building within 7' of the ground or, if on a deck or balcony, within 7' of the floor.

(c) The dish cannot be placed on a roof ridgeline.

(d) The cable must be concealed.

(e) Any dish or dish location must receive approval from the DRC prior to installation.

5.12 Enclosures. All trash cans that are not kept within the confines of the Building must be placed in enclosures that are completely screened from view of any adjoining property or public space. Such enclosures must be integrated with the overall Building. Trash enclosures must be totally enclosed and wildlife resistant.

(a) The CCRs require that boats, trailers, motor homes, campers (on or off supporting vehicles), motorcycles, snowmobiles, recreational vehicles, and similar vehicles shall be stored in the utility lot within the Community on a first come first served basis. Other arrangements may need to be made as these items are not allowed to be stored visibly on any Property.

5.13 Outdoor Clothes Lines. No outdoor clotheslines, whether either temporary or permanent, are permitted.

5.14 Mechanical Equipment/Utility Meters. Any exterior mechanical equipment and utility meters shall be either incorporated into the design of the Building or be permanently enclosed. Mechanical equipment shall be blocked from view from adjacent property. Gas meters shall be located within 2' of the home on any Property and screened with landscaping.

5.15 Manufactured Housing. Structures that are assembled off-site, such as off-site constructed homes, whether they are classified as manufactured homes, modular homes, or panelized homes, and log homes, or any other reference to offsite construction must be approved by the Design Review Committee. No used or second-hand structures, no buildings of a temporary character, no mobile homes, house trailers, tents, sheds, or outbuildings shall be placed or used on any Property, either temporarily or permanently. Factory fabricated components and non-site-built homes may be allowed by specific, prior, written permission of the DRC.

5.16 Alternate Materials. As exterior finish materials improve and new materials are developed, alternative materials not allowed above may be proposed by Owners. However, any proposal for alternative materials must be accompanied by technical information, photos of installations, color selections, and a mockup with the actual material applied. The DRC has no obligation to approve any alternative material.

6. LANDSCAPING

6.1 Plantings and Alterations. Owners may not make alterations, install, or remove Landscaping in any yard area without specific approval by the DRC.

(a) Except for planting beds of shrubs and flowers, front yards shall be sodded with sod extending into side yards at least 20' to the rear beyond the front corners of the Building. Subject to prior approval by the DRC, front yards may be landscaped without sod areas. However, lava rock, mulch and unmaintained "meadow" areas are not allowed as the primary ground covers. Planting beds should be mulched with natural wood mulch or washed river rock or similar materials.

(b) There shall be a minimum of 9 shrubs, (10 gallon min) in each front yard, including a minimum of 5 trees in the front yard averaging 6'-8' in height including a mix of deciduous and non-deciduous trees planted of varying sizes. General location of trees shall be shown on the landscape plan, subject to pre-approval by the DRC. Spruce trees and other evergreen trees with similar potential growth characteristics and size potential may not be planted in any area less than 15' wide.

6.2 Irrigation. Each Owner shall design Landscaping such that no more than 5,000 square feet of the Property, including the front and rear yard, is irrigated. Domestic water is not allowed to be used for irrigation water purposes. All Owners must tie into the Buckhorn Valley non-potable irrigation water system and consult with the on-site Buckhorn Valley irrigation supervisor to insure the proper irrigation materials and zones are being installed. Separate irrigation zones must be established for the front and rear yard landscaping.

6.3 Allowable Signage. The provisions contained in this Section are supplemental to and shall not be read to be inconsistent with the provisions of the Rules and Regulations adopted by the Community HOA, as the same may be amended from time to time. Prohibited signs include, but are not limited to: subcontractor signs, material supplier signs, signs advertising services, and all other similar type signs. Temporary signs, balloons, advertising "new homes", are prohibited, except by specific prior permission of the DRC. Garage sale signs are not allowed.

(a) One "Home for Sale Sign" with Realtor name and phone number is allowed in the front yard, on front wall of the home or in a front window but shall be no more than 24" x 36" inches or as otherwise approved by the DRC as long as the sign is well maintained and kept in an upright and level position, no higher than 36" inches above existing grade. No sign shall contain the word or words "Desperate", "Foreclosure", "Foreclosed", "Auction", "Reduction", "Motivated" or "Must". One "Project" sign is allowed during the construction period only and must be removed at time the Temporary Certificate of Occupancy is obtained. Information will be limited to the following, on one sign no bigger than 36" x 36": (i) lot, block, filing, and street address, (ii) Owner name, (iii) project name, (iv) general contractor name address, phone number, (v) architect/designer name, address, phone number, (vi) building permit number, and (vii) sales representative name, company affiliation, number. Project signs shall conform to the design, color and layout promulgated from time to time by the DRC.

(b) Signs that are posted without evidence of the required approval from the DRC shall be removed. The DRC or its agents may enter upon any Property to remove such signs and may retain the signs. The prohibited signs shall be returned to the Owner or his agent at no charge for a first time violation. Thereafter, a \$50 charge shall be imposed for each sign posted.

(c) All homes are required to have the street address number mounted in an architecturally compatible style with letters of sufficient size and contrast so as to be visible from

the street by EMS personnel, provided however, that no street numbers shall be taller than 6” in height.

6.4 Exterior Lighting. Exterior lighting shall be used for safety and security purposes and to subtly accent architectural and landscape features of a home. Lighting shall be designed to minimize glare and light shining on adjacent lots or streets and to maintain a low to non-existent level of atmospheric light pollution to preserve the visibility of the night sky. All exterior lighting is subject to DRC pre-approval and must meet any current Town of Gypsum requirements as a minimum.

(a) The number of exterior light fixtures shall be limited on each Property relative to location, landscaping, screening, and intent as determined appropriate by the DRC.

(b) No lighting fixtures shall be permitted outside of the building envelope.

(c) All lights bulbs shall be recessed within the Building massing or part of a light fixture that allows no direct view of the light source from off-site. Bulbs in exterior light fixtures are limited to 75 watts maximum.

(d) Any glass in exposed exterior light fixtures shall be opaque and not allow the transmission of light except directly below the fixture.

(e) All direct lighting shall illuminate into the building element or landscape element it is illuminating. Up-lighting is permitted, provided that the source of the lighting or ‘hot spot’ is not visible from the street or adjacent property.

(f) Lighting of trees is not permitted except for from December 5 to January 5.

(g) Floodlights and spotlights are not permitted except by special permission of the DRC.

7. CONSTRUCTION

7.1 Limit of Activity. Construction activity must take place strictly within the Property being improved, except with prior written permission from an adjacent owner provided at the time of submittal of final construction drawings and on file with the DRC. No excavating or grading work may cross a lot line without such written permission. No construction activity of any kind (including earthwork, construction parking, material storage, etc.) may take place outside of the Owner’s Property being improved. Upon receipt of written direction of the DRC to any Owner, prior to and during construction, safety fencing (orange plastic fencing or similar) must be erected along or inside of the side and rear property lines. In addition to silt fence requirements herein, slopes greater than 30% within a Property shall be protected by construction fencing prior to start of any earth-moving or construction work on the Property. Outdoor construction and any construction activities which can be disturbing to neighbors shall be limited to the time period between 7:30 AM and 7:30 PM weekdays, between 9:00 AM and 5:00 PM on Saturdays, and prohibited on Sundays and major holidays.

7.2 Temporary Facilities. On-site construction trailers are prohibited, unless specifically pre-approved by the DRC. Under no circumstances will a trailer be allowed for

living purposes. Temporary sanitary facilities shall be provided by the contractor. Such facilities shall be located so as to lie entirely within the subject Property's boundaries.

7.3 Improvement Survey. Immediately after foundations have been poured a foundation survey must be provided to the DRC pursuant to these Guidelines, which verifies the location of the foundation within the building envelope and indicates the top foundation wall elevation(s) in relation to the topography on the DRC-approved final plan.

7.4 Debris and Trash Removal. All Property, during any construction period, must be kept trash-free and orderly. Owners shall cause all construction debris to be collected and contained at the end of each day in a dumpster or other receptacle, which will prevent the trash from blowing around, and which receptacle will be emptied in a timely manner. Proper disposal of refuse is the Owner's and the contractor's responsibility. If trash is not removed in a timely manner, the DRC has the right to send a written notice to the Owner and/or his contractor requesting that the debris be removed. If it is not removed within 24 hours of receipt of the written notice, the DRC will have the debris removed at the Owner's expense. There shall be no burning of any trash, construction debris, or debris at any time on any Property.

7.5 Site Disturbance. Excavation shall be done on an Owner's Property only. Excess excavation material shall be removed from the Community. The material shall not be placed on common areas, roads, or other lots. Owner shall take all care and steps necessary, and Owner shall require its contractor/builder to take all care and steps necessary, to protect and preserve the public roadway, the curb and gutter, the sidewalk, and the bike path and all other infrastructure during construction of the Building.

(a) Should the public infrastructure be damaged during construction of any Owner's Building and/or as a result of construction of the Building and/or for any other reason, at any other time, the responsible Owner shall be liable for the cost of any required repairs, and hereby agrees to indemnify, defend and hold the Community HOA, the DRC and the Town of Gypsum harmless from and against any such damage. Actual repairs shall be done or contracted through the DRC and are subject to approval by the Town of Gypsum.

(b) The Town of Gypsum may withhold the granting of a Temporary Certificate of Occupancy or Certificate of Occupancy until repairs for such damage are done to the satisfaction of the Town of Gypsum. All such repairs shall be at the expense of Owner. If after notice and the time allowed for in the notice to repair any such damage, the damage is not repaired by Owner, then the DRC and/or the Town of Gypsum may contract to have such repairs made, which repairs shall be at the sole expense of Owner.

8. NOTICE

8.1 Requirements. Any notice sent under or pursuant to these Guidelines shall not be required to be sent by certified mail or nationally-recognized overnight carrier. There shall be a presumption that any notice sent as required above, properly addressed, postage pre-paid has been received by the recipient three business days after the date deposited into the mail.

NOTE: This Supplement replaces and voids the Buckhorn Valley Master HOA Design Review Guidelines which were adopted by the Buckhorn Valley Master HOA Board on April 28, 2009

but were never adopted or approved by the Town of Gypsum.